

3. In the Cook County Complaint, Plaintiff ABC Business Forms, Inc. alleges that Defendant K.B.'Z Eatery, Inc. sent to it "unsolicited advertisements to telephone facsimile machines" in violation of the Telephone Consumer Protection Act, 47 U.S.C. §227 ("TCPA") and the Illinois Consumer Fraud Act, 815 ILCS 505/2 ("ICFA"). ABC Business Forms, Inc. also alleges that the sending of the facsimile constituted "conversion" under Illinois common law.

4. Because Plaintiff's claim under the TCPA arises under federal law, this action could have been brought in the United States District Court pursuant to 28 U.S.C. §1331. *Brill v. Countrywide Home Loans, Inc.*, 427 F.3d 446, 451 (7th Cir. 2005) ("[R]emoval of a putative TCPA class action] is authorized not only by the Class Action Fairness Act but also by §1441, because the claim arises under federal law."); *G.M. Sign, Inc. v. Franklin Bank, S.S.B.*, No. 06 C 0949, 2006 U.S. Dist. LEXIS 29667, \*7 (N.D. Ill. Apr. 19, 2006) (holding that remand of a TCPA action would be improper because subject matter jurisdiction for such claims exists under 28 U.S.C. §1331.)

5. This Court has supplemental jurisdiction over Plaintiff's ICFA and common law conversion claims under 28 U.S.C. §1367(a) because the claims arise out of the same case or controversy.

6. This Notice of Removal is being timely under 28 U.S.C. §1446(b), as it is filed within thirty (30) days from the date Defendant was received the summons and complaint in the Cook County action.

7. Exhibit "A" contains a copy of the only pleading currently on file with the Circuit Court of Cook County.

8. A copy of this Notice of Removal has been filed with the Circuit Court of Cook County, Chancery Division.

DATED this 21<sup>st</sup> day of November, 2008.

Respectfully submitted,

By: s/ Jeffrey A. Siderius  
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